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Rape and abuse of women in the areas of armed conflict in the former Yugoslavia

Report of the Secretary-General

I. Introduction

1. At its fifty-first session, the General Assembly adopted, without a vote, resolution 51/115 of 12 December 1996, entitled "Rape and abuse of women in the areas of armed conflict in the former Yugoslavia".

2. In that resolution, the General Assembly strongly condemned the abhorrent practice of rape and abuse of women and children in the areas of armed conflict in the former Yugoslavia, and reaffirmed that rape in the conduct of armed conflict constituted a war crime and that under certain circumstances it constituted a crime against humanity and an act of genocide as defined in the Convention on the Prevention and Punishment of the Crime of Genocide.

3. It is important to note that, in the above-mentioned resolution, the Assembly strongly emphasized the question of individual responsibility. It reaffirmed that persons who perpetrated or authorized crimes against humanity or other violations of international humanitarian law were individually responsible for those violations and that those in positions of authority who had failed to ensure that persons under their control complied with the relevant international instruments would be held accountable, together with the perpetrators.

4. The General Assembly also reminded all States, for the purpose of accountability, of their obligation to cooperate with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, and urged all States and relevant organizations to give serious consideration to the recommendations in the reports of the Special Rapporteur of the Commission on Human Rights, in particular the recommendation concerning provision for the continuation of necessary medical and psychological care to victims of rape within the framework of programmes to rehabilitate women and children traumatized by war, as well as the provision of protection, counselling and support to victims and witnesses.

5. In conclusion, the Assembly encouraged the Special Rapporteur to continue to pay particular attention to the use of rape as a weapon of war, especially in Bosnia and Herzegovina, and requested the Secretary-General to submit a report on implementation of the resolution. The present report is submitted in accordance with that request.

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II. Action by United Nations bodies or organizations

A. Commission on Human Rights

6. The Commission on Human Rights expressed its profound concern for raped and abused women in the former Yugoslavia during its sessions in 1994, 1995 and 1996. At its fifty-third session, the Commission, in its resolution 1997/57 of 15 April 1997, expressed its continuing concern for women and children, especially in Bosnia and Herzegovina, who were victims of rape used as a weapon of war and demanded that the perpetrators of rape be brought to justice and that the victims and witnesses receive adequate assistance and protection.

7. The Special Rapporteur has remained very attentive to the issue of rape and abuse of women in the territory of the former Yugoslavia. Information on all types of human rights abuses is gathered systematically by the field offices of the United Nations High Commissioner for Human Rights in the former Yugoslavia and made available to the Special Rapporteur. In the past year, very few allegations of rape or abuse of women have been received. It should be recalled, however, that as observed by the Special Rapporteur on the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict, reasons for reluctance to report wartime rape may include shame and social stigma, fear of awakening bad memories, fear of reprisals, a lack of trust in the judicial system and the national legislature and the belief in the absence of remedies.[1]

B. Office of the United Nations High Commissioner for Refugees

8. The Office of the United Nations High Commissioner for Refugees (UNHCR) remains extensively involved in providing assistance and social services in the territory of the former Yugoslavia to refugees and displaced persons, giving special attention to victims of rape and abuse. UNHCR is continuing, through community-based projects managed by governmental and non-governmental organizations, to facilitate the reintegration of war-affected displaced persons and refugees through social counselling and a range of self-reliance activities.

9. During 1997, UNHCR continued to support community-based programmes organized by non-governmental organizations, some of which have been working in this sector since the beginning of the UNHCR operation in the former Yugoslavia. National organizations are given priority over international organizations, which are encouraged to phase out and hand over their programmes to existing national structures. Community services programmes are to be gradually reoriented towards income generation and skills training.

10. While UNHCR appreciates that women victims of violence may still be suffering from trauma or the physical effects of rape, UNHCR believes that, in the current context, other problems, including the reintegration of minorities and the plight of single female-headed households, have taken over in priority.

11. The Bosnian Women's Initiative, a $5 million UNHCR project funded by the Government of the United States of America and begun in 1996, currently covers over 106 micro-projects spread across Bosnia and Herzegovina. The Initiative is supporting communities and focusing on war-affected women and their families as key participants to their rehabilitative efforts.

12. Finally, as the Secretary-General noted in his report of 25 October 1996 (A/51/557), UNHCR has supported community projects in Bosnia and Herzegovina through local non-governmental organizations, including Žena, Žena 21, Stope Nade, Bosfam and Plavi Most. These projects have provided various types of assistance to victims of rape and sexual violence.

C. International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

13. The International Tribunal was established by the Security Council by its resolution 808 (1993) of 22 February 1993. It is mandated to prosecute serious violations of humanitarian law perpetrated in the former Yugoslavia since January 1991.

14. In accordance with articles 2 to 5 of the Statute of the Tribunal, the Office of the Prosecutor is to investigate and prosecute sexual assaults as serious violations of international humanitarian law. That mandate is underlined by the Secretary-General in paragraph 11 of his report submitted pursuant to paragraph 2 of Security Council resolution 808 (1993) (S/25704), in which he recalled that the Council had condemned the practice of "ethnic cleansing" and the massive, organized and systematic detention and rape of women, and reaffirmed that those who commit or have committed or order or have ordered the commission of such acts will be held individually responsible in respect of such acts. Furthermore, article 5 (g)

of the Tribunal's Statute includes rape as a crime against humanity.

15. The report of the Secretary-General of 25 October 1996 (A/51/557) accurately depicts the administrative and procedural functioning of the Office of the Prosecutor. During the intervening period a number of notable events have occurred.

16. In December 1996, the Office of the Prosecutor successfully concluded the prosecution of Duško Tadić, a Bosnian Serb. During the case-in-chief, the Prosecution introduced evidence of rape and sexual mutilation through witness testimonies. In May 1997, the Trial Chamber rendered its decision. Tadić was convicted, *inter alia*, of cruel treatment, a violation of the laws or customs of war, inhumane acts and crimes against humanity based upon acts of sexual violence.

17. In March 1997, the Tribunal commenced a case against four Bosnian Muslim men accused of committing serious violations of international law against Bosnian Serb civilians at the Celibici detention camp. The Prosecution has introduced testimony concerning rape and other sexual abuse inflicted upon female and male detainees to substantiate charges of rape and torture alleged in the indictment. A decision is expected from the Trial Chamber in 1998.

18. While it did not focus specifically on events in the former Yugoslavia, in March 1997 the Prosecutor convened a Round Table on Crimes of Sexual Violence in Arusha, the seat of the International Criminal Tribunal for Rwanda. The participants consisted of staff members from the Office of the Prosecutor in The Hague and Kigali. Discussion focused on appropriate investigative procedure and witness protection issues, as well as the development of the offence of sexual violence under international law. The Prosecutor has scheduled a second round table on sexual violence for October 1997.

19. During 1997, the Investigation Unit of the Office of the Prosecutor has continued to amass evidence of rape, sexual torture, sexual abuse and other forms of sexual assault that occurred in the former Yugoslavia during the war. Although charges of sexual violence are not contained in the indictments issued during the period from July 1996 to September 1997, the Prosecutor expects to include such evidence in future indictments.

III. Concluding remarks

20. In contrast to the situation during the war years, incidents of rape are no longer reported as a widespread phenomenon in the former Yugoslavia. It must be remembered, however, that reports of sexual assault are difficult to obtain given the reluctance of victims to describe such experiences since they implicitly carry with them prospects of social stigma and fear of reprisals.

21. Although the international community has responded to the need for investigation, principally through the activities of the Tribunal, continuing attention must be given to preventive and curative measures. Since the situation in many parts of the former Yugoslavia remains unstable, it will be necessary for the international community to remain vigilant and to continue to implement special protective measures for women and children. Programmes of protection and assistance for victims and witnesses should continue for the foreseeable future, as the effects of rape and sexual violence continue to traumatize the victims well beyond the act itself.

Notes

[1] See E/CN.4/Sub.2/1996/26.

I. INTRODUCTION

1. The General Assembly, at its fifty-first session, adopted resolution 51/91 of 12 December 1996 on effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, by which the Assembly, inter alia, called upon the Secretary-General to make available, at the request of Governments concerned, qualified expertise on minority issues; requested the United Nations High Commissioner for Human Rights to continue to improve the coordination and cooperation of United Nations programmes and agencies which deal with minority issues; urged treaty bodies to give due regard to the promotion and protection of the rights of persons belonging to minorities; called upon States to include in their reports to treaty bodies information on measures taken for the promotion and protection of the rights of persons belonging to minorities; called upon all special representatives, special rapporteurs and working groups of the Commission on Human Rights to continue to give attention to situations involving minorities.

2. The Assembly also requested the Secretary-General to report to it at its fifty-second session on the implementation of resolution 51/91 under the item entitled "Human rights questions".

3. Information was provided on activities of advisory services and technical cooperation in regard to minority issues and the prevention and resolution of disputes; activities of the High Commissioner within the framework of inter-agency cooperation in the field of minority protection; measures taken by States to protect and promote the rights of minorities as contained in their reports to treaty bodies; reference to the observance of the rights of persons belonging to minorities in the concluding observations of treaty bodies; minority issues in reports of the relevant special rapporteurs, special representatives and working groups of the Commission on Human Rights.

4. The present report is submitted to the General Assembly in pursuance of resolution 51/91.

II. PROVISION OF QUALIFIED EXPERTISE ON MINORITY ISSUES

5. Qualified expertise on minority issues is provided within the framework of the technical cooperation programme in the field of human rights. The programme, which is implemented under the leadership of the United Nations High Commissioner for Human Rights, aims to assist Governments, at their request, in incorporating international human rights standards in national laws, policies and practices, and in building national capacity and regional structures for the promotion and protection of all human rights, democracy and the rule of law. Generally, assistance may take the form of expertise, advisory services, institution-building, training courses, workshops and seminars, fellowships, grants and the provision of information and documentation.

6. During the period under review, technical cooperation projects in the context of minority issues have essentially been limited to the organization of training workshops and the development of training manuals. More specifically,

human rights education and training has targeted minority groups in such countries as Armenia and Rwanda, and a training manual on conflict resolution is currently being prepared within the framework of the United Nations Decade for Human Rights Education.

7. Of particular relevance is the work being undertaken in Cambodia, where two training workshops were held in September and October 1996 on minority rights for two non-governmental organizations, the Cham Khmer Islam Minority Human Rights Development Association and the Khmer Kampuchea Krom Human Rights and Development Association (see also E/CN.4/1997/85). The workshops consisted of training non-governmental organization trainers on how to use a minority rights curriculum developed by the Centre for Human Rights in Cambodia. In November 1996, with the assistance of the Centre, the two non-governmental organizations jointly conducted their first workshop on minority rights for 50 ethnic Vietnamese in Phnom Penh (para. 52).

III. COOPERATION OF THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS WITH UNITED NATIONS PROGRAMMES AND AGENCIES WHICH DEAL WITH MINORITY ISSUES

8. Inter-agency cooperation on minorities has been initiated and developed in order to better coordinate the responses of the agencies to issues involving minorities. Two consultations were held during the period under review, in January and May 1997, bringing together representatives of approximately 10 agencies and intergovernmental organizations which address in one way or another the promotion and protection of the rights of persons belonging to minorities.

9. The consultations provided an opportunity for agencies to exchange information and expertise in the following areas: non-discrimination in education; the promotion and protection of the cultural rights of minorities; training programmes of in-house staff and minorities at the local level; the issue of citizenship and nationality; and the use of minority-related databases. The consultations also covered joint input to the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities and its Working Group on Minorities; the provision of relevant information to be included on a World Wide Web site; joint minority-related technical cooperation projects; submission of information on system-wide complaints procedures; input into the treaty bodies; the dissemination of the recommendations and resolutions of supervisory bodies; and the provision of training on minority-related human rights instruments at regional and national levels.

10. According to the participating agencies, such consultations should be continued. They contribute to the strengthening of international action in favour of minorities by streamlining activities, pooling both financial and human resources, and arriving at ways in which mechanisms for early warning and urgent action can be devised in the face of serious human rights violations affecting minorities.

IV. TREATY BODIES

A. Human Rights Committee

11. During the period under review, the Human Rights Committee continued to monitor the observance of the International Covenant on Civil and Political Rights. It considered and commented on a number of reports submitted by States parties to the Covenant, with specific reference to the implementation of article 27 on the rights of persons belonging to minorities.[1]

12. In its concluding observations on the report of France (CCPR/C/60/FRA/4), the Committee took note of the declaration made by France concerning the prohibition prescribed under article 27 of the Covenant against denying ethnic, religious or linguistic minorities the right, in community with members of their group, to enjoy their own culture, to profess and practice their own religion or to use their own language. The Committee was, however, unable to agree that France was a country in which there were no ethnic, religious or linguistic minorities. The Committee wished to recall that the mere fact that equal rights were granted to all individuals and that all individuals were equal before the law did not exclude the existence in fact of minorities in a country, nor did it exclude their entitlement to the enjoyment of their culture, the practice of their religion or the use of their language in community with other members of their group (para. 24).

13. In its concluding observations on the report of India (CCPR/C/60/IND/3), the Committee noted with concern that discrimination against members of the underprivileged classes and castes and other minorities constituted an impediment to the implementation of the Covenant, including article 27. The Committee recommended that further measures be adopted, including education programmes at national and State levels, to combat all forms of discrimination against those vulnerable groups (paras. 5, 8, 15).

14. In its concluding observations on the report of Slovakia, the Committee noted with concern, with respect to article 27, that no steps had yet been taken to adopt legislation to implement the provisions of the Constitution on the use of minority languages, and that as a consequence the use of minority languages in official communications had not been secured. The Committee recommended that legislation be adopted to secure language rights for minorities, with due consideration to the provisions of the Covenant and the Committee's general comment on article 27 (23 (50)). The Committee also expressed concern that insufficient provision, in particular in relation to allocation of resources, had been made in the field of educational and cultural rights for the benefit of the Hungarian minority in Slovakia (para. 24).

15. In its concluding observations on the report of Bolivia (CCPR/C/79/Add.74), the Committee expressed concern that despite the legislation enacted to allow the indigenous communities to enjoy the use of their traditional lands in a communal way, discrimination and other obstacles to the full enjoyment of the rights protected under article 27 of the Covenant continued to exist. The Committee recommended that measures be taken to ensure that the members of indigenous groups enjoyed fully their rights under article 27 of the Covenant,

particularly with regard to the preservation of their culture, language and religion (para. 35).

16. In its concluding observations on the report of Colombia (CCPR/C/79/Add.76), the Committee noted that members of indigenous communities and of the black minority continued to suffer discrimination and that they did not fully enjoy their rights provided for in article 27 of the Covenant.

17. In its concluding observations on the report of Georgia (CCPR/C/79/Add.75), the Committee welcomed Georgia's efforts to afford more active protection for the human rights of minorities with a view to guaranteeing them the free expression of their cultures and use of their languages.

B. Committee on Economic, Social and Cultural Rights

18. The Committee on Economic, Social and Cultural Rights has continued to deal with minority issues, in particular while examining articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights on the right to education, and article 15 on the right to culture.

19. In its concluding observations on the report of Peru (E/C.12/1/Add.14), the Committee welcomed the indigenous-language literacy and education programmes, which aimed to preserve indigenous languages and to strengthen their cultural identity. In particular, the Committee expressed concern at the insufficiency of the fulfilment of the rights of indigenous and black populations to education.

20. In its concluding observations on the report of Zimbabwe (E/C.12/1/Add.12), the Committee noted that de jure non-discrimination and protection of the cultural rights of minorities should be ensured, and urged that particular attention be paid to the cultural situation and the participation of minority groups in cultural life.

C. Committee on the Elimination of Racial Discrimination

21. Although the International Convention on the Elimination of All Forms of Racial Discrimination does not contain any specific articles on minority rights, article 2 (2) imposes an obligation on States parties to undertake affirmative action in respect of groups which have suffered from discriminatory practices, article 5 refers to the elimination of racial discrimination without distinction as to, among others, national or ethnic origin, and article 7 urges States parties to adopt effective methods in the fields of teaching, education and culture with a view to promoting understanding, tolerance and friendship among nations and ethnical groups.

22. In its concluding observations on the report of Belarus (CERD/C/304/Add.22), the Committee welcomed the signature by Belarus of the Commonwealth of Independent States (CIS) Convention concerning the Rights of Persons Belonging to National Minorities and the detailed information provided in the report on the ethnic composition of the population involving national, ethnic, cultural,

linguistic and religious minorities in Belarus. The Committee expressed concern, however, at the lack of concrete information concerning the implementation of the Act on National Minorities, as well as the lack of information on the participation in public life of ethnic minorities.

23. In its concluding observations on the report of Pakistan (CERD/C/304/Add.25), the Committee welcomed the institutions and measures that had been established to promote and protect minority rights, such as the Minorities Affairs Division, the National Commission for Minorities, the Federal Advisory Council for Minority Affairs, the Districts Minority Committees, the National Committee on the Kalash People, and the monthly holding of meetings with minority members of the National Assembly (para. 6). The Committee welcomed the repeal of the separate electoral system, which allowed members of minorities to vote only for certain reserved seats in elections, as well as the fact that members of minorities were currently entitled to participate directly in the general election process, in addition to electing their own representatives. The Committee expressed concern, however, that the policy of Pakistan to recognize only religious minorities excluded ethnic, linguistic or racial groups living in the country from any specific protection under the Convention that would derive from their official recognition as minorities (para. 12). The Committee also noted that it was unclear whether the various languages spoken in the country could be used in the courts. The Committee recommended that the State party explore the possibility of granting the same status as that of the religious minorities to other ethnic and linguistic groups in order to ensure their full protection under the national laws and institutions relating to minorities as well as relevant international human rights instruments.

24. In its concluding observations on the report of the United Kingdom of Great Britain and Northern Ireland (CERD/C/304/Add.20), the Committee welcomed the measures taken to increase the participation of members of ethnic minorities in public and government office and in the police, as well as the adoption of a 10-point action plan to raise the achievement of ethnic minority pupils. The Committee recommended that the United Kingdom continue to strengthen its efforts towards the full enjoyment by all ethnic groups of all the rights provided for in article 5 of the Convention.

25. In its concluding observations on the report of Germany (CERD/C/304/Add.24), the Committee commended the German authorities for the improved curricula at various levels of schooling starting from an early age, encompassing instruction about other cultures and religions, which aimed to instil in the young a feeling of respect for all human beings regardless of ethnic origin or religious affiliation. The Committee expressed its concern that although Germany had accorded the status of ethnic minority and provided special protection to four small ethnic groups traditionally resident in Germany, it had left numerically much larger ethnic groups without any specific protection, in particular members of those ethnic groups who had long-term residence status or who had become German citizens. In its suggestions and recommendations, the Committee encouraged Germany to continue exploring ways of providing specific protection to all ethnic groups living within its territory.

26. In its concluding observations on the report of Bulgaria (CERD/C/304/Add.29), the Committee welcomed the positive measures that Bulgaria had adopted to combat

various forms of racial discrimination, including the Law on Names of Bulgarian Citizens, which ensured the possibility of the use of non-Slavic names. The Committee expressed concern about the enjoyment of economic, social and cultural rights of the Roma, whose vulnerability had increased in the context of the current economic crisis. The Committee also expressed its concerned that Bulgaria prohibited the foundation and registration of political parties formed on, inter alia, ethnic or religious bases. The Committee recommended that Bulgaria pay greater attention to the protection of the Roma's civil, political, economic, social and cultural rights; that any de facto segregation of minorities be prevented; and that comprehensive human rights training be provided to all segments of the population with a view to combating negative attitudes and prejudices towards minorities.

D. Committee on the Rights of the Child

27. In its concluding observations on the report of Paraguay (CRC/C/15/Add.75), the Committee expressed concern that adequate measures had not yet been taken to fully guarantee in practice the right of indigenous students to education in their native language, Guarani, and recommended that the authorities guarantee the full implementation of the right of children to education in their own language.

28. In its concluding observations on the report of Algeria (CRC/C/15/Add.76), the Committee regretted the absence of information on the teaching programmes for nomadic children, who should be able to benefit from the provisions of article 30 on the rights of minority children. It recommended that specific measures be taken to ensure that children belonging to minorities might, in particular, benefit from the right to enjoy their own culture in accordance with article 30.

V. SPECIAL RAPPORTEURS, SPECIAL REPRESENTATIVES AND WORKING GROUPS OF THE COMMISSION ON HUMAN RIGHTS

29. In a number of cases, special rapporteurs and special representatives appointed by the Commission on Human Rights or by the Secretary-General, respectively, have addressed the rights of persons belonging to national or ethnic, religious and linguistic minorities. The working groups of the Commission on Human Rights also address situations involving minorities.

Special Rapporteur on the situation of human rights in the State of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

30. The former Special Rapporteur on the situation of human rights in the territory of former Yugoslavia, Ms. Elisabeth Rehn, in her special report on minorities (E/CN.4/1997/8), noted that Governments of the territory of former Yugoslavia continued to be accused of marginalizing and repressing minority populations, and that the participation of minorities in public affairs throughout the region was limited (para. 2). Her report concentrated on two countries dominated by people of one national group - the Federal Republic of

Yugoslavia, which is populated mainly by Serbs, and Croatia, which is predominantly Croat. She emphasized that it was clear that the Governments of the territory of former Yugoslavia had the imperative responsibility to take new measures to promote the protection of minority rights, and indeed were well advised to do so, even if for no other reason than to ensure the lasting integrity of their States' borders (para. 7).

Special Rapporteur on the situation in the Republic of Equatorial Guinea

31. The Special Rapporteur on the situation in the Republic of Equatorial Guinea, Mr. Alejandro Artucio, referred in his report (E/CN.4/1997/54) to discrimination against persons belonging to the Bubi ethnic group on the island of Bioko and the inhabitants of the island of Annobon. Specific mention was made of a written communication received from the government delegation in the district of Baney Island, Bioko, reminding the population, which was composed of members of the Bubi ethnic group, that any traditional celebration or ceremony involving a gathering of people required prior authorization from that government delegation. The Special Rapporteur considered that that communication seriously jeopardized the right of any community freely to conduct ceremonies that were expressions of its culture (paras. 56-60).

Special Rapporteur on the situation of human rights in Iraq

32. The Special Rapporteur on the situation of human rights in Iraq, Mr. Max van der Stoel, referred in his report (E/CN.4/1997/57) to the overall restrictions of almost all human rights in Iraq, inevitably affecting the rights of minorities to profess and practice their own religion, speak their own language, participate in public life and enjoy their own culture. With reference to the latter in particular, the Special Rapporteur alleged that severe restrictions on the freedom of thought, expression and culture in Iraq had eradicated the expression of competing views and ideas and moulded a number of young minds to serve the Baath Party and the leadership. That had been done through the application of strict laws, severe penalties and through the ownership of the media itself. The law on publications was also an important instrument of repression of opinion and expression since it required authorization for publication and imposed penalties for publishing any of a long list of books (paras. 27 and 28).

Special Representative on the situation of human rights in the Islamic Republic of Iran

33. In his report to the Commission on Human Rights (E/CN.4/1997/63), the Special Representative on the situation of human rights in the Islamic Republic of Iran, Mr. Maurice Capithorne, referred to reports of grave breaches of the human rights of the Baha'i in Iran and of discrimination against the members of that religious community, including arbitrary detentions, refusal of entry to universities, dismissals from employment and confiscation of properties (paras. 50-57). The Special Representative had also received information alleging that leaders of certain religious minority groups in Iran were under pressure, including Sunni clerics of Baluchi ethnicity, some of whom appeared to have died under suspicious circumstances (para. 61). In order to ensure the security of certain religious minorities in Iran, the Special Representative

urged that the 1996 recommendations of the Special Rapporteur on the question of religious intolerance be implemented.

Special Rapporteur on the situation of human rights in the Sudan

34. The Special Rapporteur on the situation of human rights in the Sudan, Mr. Gaspar Biro, referred in his report (E/CN.4/1997/58), inter alia, to restrictions of the rights of religious minorities, in particular to the situation of the Sudanese Christians and their churches and organizations, which had suffered several disadvantages and had been subjected to discriminatory measures in the past. He also mentioned the continued reports of enforced Islamization of Christians and believers in traditional African religions in Government-controlled areas in the south of the country (paras. 52-53). In his conclusions, the Special Rapporteur recommended that the Government of the Sudan ensure that all individuals in its territory and subject to its jurisdiction, including members of all religious and ethnic groups, enjoyed fully the rights recognized in applicable international human rights instruments.

Special Rapporteur on the situation of human rights in former Zaire (presently Democratic Republic of Congo)

35. The Special Rapporteur on the situation of human rights in former Zaire, Mr. Roberto Garreton, mentioned in his report (E/CN.4/1997/6) that not all ethnic groups living in former Zaire enjoyed the same rights. Arbitrary political discrimination existed, as in the case of one ethnic group which was a tiny minority but which predominated because the late Marshal Mobutu and his General belonged to it. There was also discrimination with regard to the effective enjoyment of economic, social and cultural rights, as well as civil and political rights, by other ethnic groups, in flagrant violation of articles 2.2, 2.3, 3, 4 and 5 of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. The Special Rapporteur also looked into the situation of the Batwa or pygmies, who constituted the only genuinely original ethnic group in former Zaire. According to the Special Rapporteur, that minority lived in conditions of indescribable poverty at the margins of civilization.

Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

36. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr. Glélé-Ahanhanzo, referred in his report (E/CN.4/1997/71), to incidents of intolerance and discriminatory acts against various minority groups, including the continual incidents of discrimination against Blacks on the Internet through the spread of racist messages; the resurgence of anti-Arab sentiment in the United States of America and the discrimination that they faced in the areas of education, employment and housing; anti-Semitism around the world, especially the dissemination of anti-Semitic propaganda and violence in Western Europe against Jews and Jewish targets; discrimination against the Romas in Romania and in the Czech Republic in the areas of housing, education and employment; and the deprivation of permission for permanent residence of the Meskhetian Turks in Krasnodar Territory in the Russian Federation. In his conclusions and

recommendations, the Special Rapporteur expressed his wish to see the recommendations that he made translated into action, in particular in the fields of education in human rights, acceptance of others and tolerance for the sake of peace.

Special Rapporteur on the question of religious intolerance

37. The Special Rapporteur on religious intolerance, Mr. Abdelfattah Amor, in his report on the examination of incidents and governmental action in all parts of the world inconsistent with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (E/CN.4/1997/91), continued to provide information on inroads into the respect of the right of minorities to profess and practise their own religion.

38. Concerning the analysis of the communications, the Special Rapporteur classified the religious communities in respect of which violations of religious freedom were alleged to have taken place as follows: Christianity: Albania, Algeria, Armenia, Bangladesh, Bulgaria, Burundi, China, Ethiopia, Georgia, Greece, Indonesia, Kuwait, Lao People's Democratic Republic, Lebanon, Mexico, Morocco, Nepal, Nigeria, Romania, Saudi Arabia, Somalia, Turkey, United Arab Emirates, Viet Nam, Yemen; Islam: Bangladesh, Chad, Egypt, Pakistan, Saudi Arabia, Tajikistan, Turkey, United Arab Emirates, United Kingdom, Yemen; Buddhism: China, Russian Federation, Viet Nam; Hinduism: Yemen; Judaism: Belarus, Turkey; Baha'is: Armenia, Indonesia; Jehovah's witnesses: Armenia, Bulgaria, Cyprus, Eritrea, Federal Republic of Yugoslavia, Indonesia, Singapore; Hare Krishna: Armenia; Al Argam: Malaysia; Darul Argam: Indonesia; Mormons: Ukraine; Navajos and Apaches: United States of America (paras. 17-20).

39. In respect of allegations of discrimination against all religions and religious groups which do not reflect the official or State religion, the Special Rapporteur referred to Belarus, Bhutan, Bolivia, Brunei Darussalam, Israel and Maldives. In respect of allegations of discriminatory policies and/or laws and regulations concerning religion and belief, he referred to: Christians and Shiites in Saudi Arabia; non-Muslims in Brunei Darussalam and Maldives; Christians in the Lao People's Democratic Republic and the United Arab Emirates; Christians and Muslims in Israel; and the Jehovah's Witnesses in Eritrea. The Special Rapporteur also referred to some religious minorities which are affected by religious extremism in Bangladesh, Mexico, Somalia and Turkey.

40. In his concluding remarks, the Special Rapporteur reiterated that education was the prime means of combating intolerance and discrimination based on religion or belief, and he was firmly convinced that lasting progress in tolerance and non-discrimination could be brought about largely through school curricula and school books within the framework of educational policy.

41. In his report on the visit to India which he undertook from 2 to 14 December 1996 (E/CN.4/1997/91/Add.1), the Special Rapporteur mentioned the constitutional provisions which protect the right of persons belonging to minorities to freely profess and practise their own religion, in particular article 30, paragraphs 1 and 2 of the Constitution, which stated that all religious or linguistic minorities had the right to establish and administer

educational institutions of their choice. Furthermore, the educational institution of a minority might not be discriminated against when the State granted aid to educational institutions. Under article 29 of the Constitution, citizens had the right to conserve their own language and script (para. 8).

42. According to the Special Rapporteur, the Indian National Commission for Minorities Act of 1992 recognized the Muslim, Christian, Sikh, Buddhist and Zoroastrian minority communities. With reference to the Muslim community, which constituted India's largest minority, the Special Rapporteur had not been informed of any action on the part of the authorities designed to restrict religious activities, including freedom of religious practice and freedom to organize Muslim services, religious teachings and customs. In addition, the Muslim community had its own educational establishments, including the madrasa religious schools responsible for disseminating the teachings of Islam, and it possessed a large number of places of worship.

43. According to the information he received, the Special Rapporteur mentioned that the Christians who constituted the second largest minority in India were not subjected to any interference of the State in their internal religious activities. Christian minorities could establish their own schools and places of worship, and could freely produce and disseminate religious publications.

44. With reference to the Sikh minority, the Special Rapporteur received differing information. On the one hand, he was informed that the Sikh minority was the victim of a policy of intolerance and discrimination based on religion pursued by the authorities, especially in the Punjab, where the Sikhs were a majority; on the other hand, the Special Rapporteur was informed that the conflictual situation in the Punjab had no religious basis and was purely political.

45. In his conclusions and recommendations, the Special Rapporteur noted India's political commitment to "unity in diversity" which reflected a mode of democratic organization of society based on respect for and viability of diversity, particularly in the field of religion. He recommended that measures be taken to neutralize and eradicate extremism, which through its influence on the masses could well destroy community and religious harmony in India.

Special Rapporteur on the question of the human rights of all persons subjected to any form of detention or imprisonment, in particular torture and other cruel, inhuman or degrading treatment or punishment

46. The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Mr. Nigel Rodley, referred in his report (E/CN.4/1997/7/Add.1) to allegations concerning persons belonging to minorities who had been tortured. However, it was difficult to establish whether those persons had been tortured or subjected to ill-treatment because they belonged to a minority. He transmitted allegations to the following Governments regarding persons belonging to national, ethnic, religious or linguistic minorities, on behalf of, among others: Chakmas in Bangladesh; the Roma in Bulgaria; Tibetans in China; Turkish Cypriots in Cyprus; the Oromo in Ethiopia; Romanians in Hungary; East Timorese and Irian Jayans in Indonesia; Arabs in Israel; members of the Cossack community in Kazakhstan; members of the Mohajir Qaumi movement in Pakistan; the Chechen and the Ingush in the Russian Federation; persons of

Kurdish ethnic origin in Turkey; and ethnic Albanians in the Federal Republic of Yugoslavia.

Special Rapporteur on extrajudicial, summary or arbitrary executions

47. The Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Bacre Waly Ndiaye, referred in his report (E/CN.4/1997/60) to violations of the right to life of persons belonging to national, ethnic, religious or linguistic minorities. He transmitted allegations to some 10 Governments regarding persons belonging to national, ethnic, religious or linguistic minorities, on behalf of, among others: Aboriginals in Australia; Chakmas in Bangladesh; members of the Guarani-Kaiowa indigenous community in Brazil; members of the Roma ethnic group in Bulgaria; Hutus and Tutsis in the Great Lakes region; Baha'is in Iran; Palestinians in Israel; members of the Kayin ethnic minority in Myanmar; Tamils in Sri Lanka; people of Kurdish ethnic origin in Turkey; detainees of Afro-Caribbean origin in the United Kingdom; Black Americans in the United States and Banyamulenques in former Zaire (para. 27).

48. In his concluding remarks and recommendations, the Special Rapporteur stated that one of the most prevalent targets of extrajudicial, summary or arbitrary executions continued to be persons involved in struggles, such as struggles to prevent or combat racial, ethnic or religious discrimination and ensure respect for social, cultural, economic, civil and political rights. He urged that the international community assist in the establishment of a coherent multifaceted system of prevention of conflicts that would embody a rapid intervention component to avert the degeneration of situations where the threat of massive human rights violations existed.

Working Group on Enforced or Involuntary Disappearances

49. The main task of the Working Group is to act as a channel of communication between families of disappeared persons and the Governments concerned, as well as to monitor States' compliance with their obligations deriving from the Declaration on the Protection of All Persons from Enforced Disappearance.

50. In its report (E/CN.4/1997/34), the Working Group reported cases of disappearances of persons belonging to minorities in, inter alia: China of Tibetans; Indonesia of East Timorese; Iraq of ethnic Arabs and Kurds of the Shi'a faith; Morocco of persons of Saharan origin; Pakistan of the Mohajirs; the Russian Federation of persons of ethnic Ingush and Ossetian origin; and Sri Lanka of Tamils. In its conclusions and recommendations, the Working Group again urged Governments to cooperate with and assist the Working Group so that it might perform its function without hindrance.

51. Further information on the situation of minorities is contained in documents E/CN.4/1997/51 and E/CN.4/1997/10 on the situation in East Timor and in the Republic of Chechnya, Russian Federation, respectively.

Notes

[1] With reference to some countries where indigenous populations rather than minority groups are affected by human rights violations, the Committee has invoked article 27 of the International Covenant on Civil and Political Rights.